

Disclaimer

These minutes reflect the actions taken by the Commission during its January 11, 2008 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on January 25, 2008.

PINELANDS COMMISSION MEETING

Richard J. Sullivan Center  
Terrence D. Moore Conference Room  
15 Springfield Road  
New Lisbon, New Jersey

Minutes

January 11, 2008

Commissioners Present

Candace Ashmun, William Brown, Guy Campbell, Leslie M. Ficcaglia, Paul E. Galletta, John A. Haas, Daniel M. Kennedy, Stephen Lee, Edward Lloyd, Norman F. Tomasello, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes.

Commissioners Absent

Robert McIntosh, Francis A. Witt and Robert Hagaman

Chairperson Wilson called the meeting to order at 9:30 a.m.

Deputy Attorney General Haynes read the Open Public Meetings Act Statement.

Mr. Stokes called the roll.

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairperson Wilson presented the December 14, 2007 open and closed session Commission meeting minutes. Commissioner Galletta moved the adoption of the Minutes. Commissioner Ashmun seconded the motion.

The Commission adopted the minutes by a vote of 10 to 0. Commissioner Ficcaglia abstained from voting since she was not present at that meeting.

Committee Chairs' and Executive Director's Reports

CMP Policy and Implementation Committee Meeting

Chairperson Wilson reported that the CMP Policy and Implementation Committee met on January 7, 2008 and adopted the minutes of the November 28, 2007 meeting.

The Committee recommended Commission certification of the following documents:

Hamilton Township Ordinance 1606-2007 (Redevelopment Plan for the Mill Complex Redevelopment Area within the Township's Regional Growth Area)

Stormwater Management Plans and Ordinances (Responses to 2006 CMP Amendments) for the following municipalities: Beachwood Borough; Buena Borough; Lakehurst Borough; and Franklin Township

The Committee reviewed and approved two alternative resolutions related to the certification of Buena Vista Township Ordinance 19-2007 and the Richland Village Redevelopment Area. Following discussion, the Committee voted to endorse the two alternate resolutions (#3 and #4) as a substitute for the resolution that was previously recommended by the Committee but not acted upon by the Commission in December. Those resolutions have been provided to all members of the Commission for consideration at today's meeting.

The Committee continued its discussion of proposed CMP amendments related to cluster development in the Forest and Rural Development Areas.

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Personnel and Budget Committee met on January 3, 2008 and adopted the minutes of the November 1, 2007 meeting.

The Committee discussed the application and timing of salary range increases. The Committee agreed that this will need to be done after the CWA negotiations are complete. Mr. Stokes will discuss this further with the Commission's labor counsel.

The Committee had an update on the FY 2009 Budget. Ms. Connor summarized the information contained on the chart and the probable deficit in FY 2009. John Stokes reviewed the impact of not being permitted to draw from the State's interdepartmental accounts, especially for increases in fringe benefit costs. He summarized the current personnel situation regarding vacancies and employees on leave.

The Committee had an update on the FY 2007 financial statements for the audit. The Committee heard from Kevin Frenia, CPA from Holman & Frenia, whose firm was hired to assist with the FY 2007 annual financial statements which will be presented to the auditors. He stated that the documents prepared by Mr. Schoenberg would need to be revised and Mr. Frenia will work with Ms. Connor to see if these can be done in a timely manner. Commissioner

Ficcaglia stated that she spoke with Ms. Connor who indicated that, after Mr. Frenia reviewed the material with her, he felt that it would not need as much extra time as he had originally thought. Mr. Frenia was invited to attend the pre-audit conference on January 31, 2008.

The Committee reviewed the check register and employee actions for November and December 2007. There were two recent resignations and three employees who left in December. She said that several recruitments are currently on hold.

The Committee received an update on Fenwick Manor renovations. Ms. Connor hoped that the bid packages would be sent out in mid-January, following approval of the revised plans.

The Committee received an update on application fees. The total amount received for application fees during November and December was very low and the FY07 budgeted revenue will need to be reduced.

A closed session was held to discuss several confidential personnel issues.

Commissioner Lee stated that the Public and Governmental Programs Committee had discussions about determining a new meeting time. He said that, based upon the responses, he suggested that the Committee meet at 11:30 a.m. on the 4th Monday of the month.

Mr. Stokes stated that staff tries to have the Public and Governmental Programs Committee meet a week and a half before the Commission meeting. This way, any matters that require the Committee's attention and need to be acted on by the Commission can be placed on the agenda and material included in those packets. He said that he will ask Ms. Young to identify any dates that may need adjusting.

Commissioner Lee said that Commissioner Ashmun can not attend the first meeting date.

Mr. Stokes stated that the next Committee meeting is tentatively scheduled for January 28.

#### Executive Director's Report

Mr. Stokes reported on the following items:

Ms. Young provided the Commission with a revised calendar of events this morning, noting that the Pinelands Educational Advisory Council meeting is scheduled for January 23 and not January 22 as indicated on the calendar in the Commission's packet.

Mr. Stokes indicated that he will explain the alternate resolutions for the Buena Vista Township Ordinance when it comes up on the agenda.

Staff has been working on the Pinelands Conservation Fund with the Permanent Land Protection Committee. A number of conditional grant offers have been made, one of which involves an Ocean County Project. Mr. Stokes asked if Commissioner Haas would like to comment on this project.

Commissioner Haas stated that on Wednesday, the Ocean County Board of Freeholders authorized acquisition of the 877 acre Horner property at a cost of \$8.1 million. He said that \$1 million was earmarked from the Pinelands Conservation Fund on September 28.

The staff roster was updated and distributed to members of the Commission.

Mr. Stokes asked Mr. Leakan to provide the Commission with an update on the 19<sup>th</sup> Annual Pinelands Short Course.

Mr. Leakan stated that the Short Course is scheduled for March 1 at Burlington County College in Pemberton. He said that there are 30 courses, 20 of which are new. Brochures on the Short Course have been distributed to the Commission. He asked members of the Commission who have any questions regarding the courses to contact him.

Mr. Stokes stated that last year, the Short Course had a record turnout of 450 individuals. Mr. Leakan, Mr. Mott and their associates at Burlington County College continue to improve the Short Course every year.

Chairperson Wilson stated that it is a great program and encouraged everyone to attend. She said that Mr. Leakan and Mr. Mott do a great job in putting the program together and adding new courses every year. This program is something the Commission can be very proud of.

Mr. Stokes reported that two employees, Michael Shanahan, Environmental Specialist, and Kathie Gonick, Cultural Resource Planner, will be leaving the Commission this month.

A short closed session will need to be held today following the Commission's regular business regarding CWA contract related matters.

Mr. Liggett reported on the following items:

Staff continues to work with Buena Borough and the MUA on their sewerage treatment plant.

Staff will be updating the Permanent Land Protection Committee at its next meeting about Pinelands Conservation Fund acquisition projects.

Staff will be briefing the CMP Policy and Implementation Committee at its next meeting on a number of rezonings in Upper and Manchester Townships.

Staff met with USGS, Hammonton Town officials and several Commission members to review the status of the Hammonton recharge investigation. USGS has confirmed that the site is very complex from a soil standpoint and the water is recharging, but slower than anticipated. USGS has suggested that an optimization study needs to be done and Hammonton Town is taking that under advisement. The Town is also looking at drip irrigation as a potential source to try to get water back into the ground better. Staff continues to work with the Town as they look for solutions.

Mr. Stokes stated that staff has made arrangements with USGS Scientists to brief the Commission's Science Committee at its next meeting.

Mr. Horner reported on the following items:

On January 4, he and Mr. Stokes, and other members of the staff, met with an applicant in Jackson Township who is proposing a significant number of dwelling units in a Pinelands National Reserve Forest Area. This is one of the few areas of the Pinelands National Reserve that is not in the CAFRA boundary. The applicant is proposing road improvements and an intersection which are located in the Pinelands Area. Staff indicated to the applicant that the proposed intersection improvements appear to be inconsistent with the Commission's standards because they were providing access to a significant and inconsistent development in the National Reserve.

Commissioner Ashmun asked what happens if the applicant redesigns the project so that no work is located inside the Pinelands Area. She asked if the Commission comments to the local planning board.

Mr. Horner replied that when development is proposed in the CAFRA portion of the Pinelands National Reserve, CAFRA consults with the Commission and we advise DEP as to whether or not the project is consistent with the Pinelands Plan. DEP, in turn, determines whether it will approve the project. This particular situation is unique because the project is actually outside of the CAFRA boundary but in the Pinelands National Reserve. He said that staff advises the township through a Certificate of Filing about the inconsistency of the proposed project. The Commission has no regulatory authority except for that area that falls within the Pinelands Area boundary, which is only the road improvement.

Commissioner Ashmun asked why there would be a Certificate of Filing in the Pinelands National Reserve.

Mr. Stokes stated that a Certificate of Filing doesn't apply to the Reserve and that is what makes this unusual.

Commissioner Ashmun stated she raises this issue because she feels that under the Federal Act the Commission has a responsibility to communicate and do what it can to implement the plan in the Reserve.

Mr. Horner continued with his report:

Several years ago, the Commission worked with Barnegat Township in approving an Ocean Acres conservation area and zoning plan that identified what areas could be developed and what areas would not be developed. One area was in question as to whether or not it constituted critical habitat for northern pine snakes. The agreement was that the applicant would have a two year period to conduct further threatened and endangered species surveys for the Commission to

review. Staff has received the threatened and endangered species survey and it is currently reviewing that matter.

Staff has been working with the director of the Ocean County Planning Department to try and facilitate the Horner acquisition project. Barry Horner wishes to reserve a certain area where further residential development could occur for his family. Staff is working with the County in an attempt to come up with an area that would meet applicable standards to facilitate that agreement.

Mr. Horner introduced Dave McKeon from Ocean County and stated that Mr. McKeon is present today for the Robert Miller Airpark project which is on the agenda.

#### Public Comment on Agenda Items

Mr. Carleton Montgomery, Executive Director of Pinelands Preservation Alliance, reiterated that PPA does not think that the Buena Vista Township Ordinance should be certified. However, the alternate resolution developed in this matter is clearly a great improvement and clarifies the reasoning for why the Commission might conclude that the ordinance satisfies the CMP standards. But, for all the reasons PPA has stated in the past, it still thinks it would be inappropriate to approve the ordinance which violates such a fundamental principal of the CMP.

Mr. Jeff Tittel, New Jersey Sierra Club, concurred with Mr. Montgomery's comments on the Buena Vista Township Ordinance. He stated that the nitrate model is to protect the homeowners who live within a development and protect them from drinking their own septage. If one allows this type of development to happen and use offset land somewhere else, the homeowners are not getting dilution from that land and may be drinking their own septage. He said that he does not see any study that has been done to determine what the groundwater conditions are currently and how much more nitrate this is going to add.

#### Development Review Matters

##### Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1987-1058.054, Federal Aviation Administration, 1987-0217.001, Maurice River Township, 2003-0492.002, Egg Harbor Township, and 2003-0530.001, Greater Egg Harbor Regional High School District, are applications for public development recommended for approval with conditions.

Commissioner Haas moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1987-1058.054, 1998-0217.001, 2003-0492.002 & 2003-0530.001). (See Resolution #PC4-08-01 attached). Commissioner Ficcgaglia seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Mr. Stokes stated that Application Number 1985-0949.026, County of Ocean, is an application for a public development recommended for approval with conditions.

Commissioner Haas recused himself from the resolution and left the room.

Commissioner Tomasello moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 1985-0949.026). (See Resolution #PC4-08-02 attached). Commissioner Kennedy seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioner Haas recused himself from voting.

Commissioner Haas returned to the room.

Mr. Stokes stated that Application Number 1973-0731.003, Monroe Township Board of Education, is an application for a public development recommended for approval with conditions.

Chairperson Wilson asked Vice-Chairman Tomasello to chair the meeting, noting that she will recuse herself on the next resolution. She left the room.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 1993-0731.003). (See Resolution #PC4-08-03 attached). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Chairperson Wilson recused herself from voting.

Chairperson Wilson returned to the room.

Mr. Stokes stated that Application Number 2007-0390.001, Town of Hammonton, is an application for a public development recommended for approval with conditions.

Commissioner Galletta stated that he was directly involved with this matter and will recuse himself from consideration of the resolution. He left the room.

Commissioner Ficcaglia moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 2007-0390.001). (See Resolution #PC4-08-04 attached). Commissioner Tomasello seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioner Galletta recused himself from voting.

Commissioner Galletta returned to the room.

Mr. Stokes stated that Application Numbers 1988-1096.001, Alfred Sample and 1996-1354.002, Louis and Julia Marchesano, are applications for a Waiver of Strict Compliance recommended for approval with conditions.

Commissioner Ashmun moved the adoption of the Resolution Approving with Conditions Applications for a Waiver of Strict Compliance (Application Numbers 1988-1096.001 and 1996-1342.002). (See Resolution #PC4-08-05 attached). Commissioner Campbell seconded the motion.

Commissioner Lee acknowledged the report received by Mr. John LaMacchia about waivers. He said that the report demonstrated what he had tried to describe in general terms in discussion with Commissioner Hagaman. He said that he will talk to him about this report so that he will understand what the Commission is doing with waivers.

The Commission adopted the resolution by a vote of 11 to 0.

#### Other Development Review Matters

Chairperson Wilson stated that there were four PDC Letters of Interpretation issued this month. These PDC Letters of Interpretation allocated 14.50 PDCs to a total of 1,304.32 acres. There was also one wetlands delineation Letter of Interpretation.

#### Resolutions Relating to Municipal Ordinances

##### Stormwater Management Plan and Ordinances: Full Certification

Mr. Stokes presented the Resolution Issuing an Order to Certify the November 2007 Stormwater Management Plan of Beachwood Borough, and Ordinances 2006-08, 2006-24, 2007-02, 2007-11, and 2007-13, Amending Chapter XVII (Development Regulations) of the Code of Beachwood Borough. (See Resolution #PC4-08-06 attached).

Commissioner Haas moved the adoption of the resolution. Commissioner Galletta seconded the motion. The Commission adopted the resolution by a vote of 10 to 0. Commissioner Lee was not present for the vote.

Mr. Stokes presented the Resolution Issuing an Order to Certify Resolution 2007-42, Adopting the January 2007 Stormwater Management Plan of Buena Borough, and Ordinance 554, Amending the Land Use Ordinance of Buena Borough. (See Resolution #PC4-08-07 attached).

Commissioner Tomasello moved the adoption of the resolution. Commissioner Brown seconded the motion. The Commission adopted the resolution by a vote of 10 to 0. Commissioner Lee was not present for the vote.

Mr. Stokes presented the Resolution Issuing an Order to Certify the November 2007 Stormwater Management Plan of Franklin Township, and Ordinances 0-5-07 and 0-05-7 Amended, Amending the Code of Franklin Township. (See Resolution #PC4-08-08 attached).



Commissioner Tomasello moved the adoption of the resolution. Commissioner Campbell seconded the motion. The Commission adopted the resolution by a vote of 10 to 0. Commissioner Lee was not present for the vote.

Mr. Stokes presented the Resolution Issuing an Order to Certify the October 2007 Stormwater Management Plan of Lakehurst Borough, and Ordinance 06-07, Amending Chapter XXV (Land Development) of the Code of Lakehurst Borough. (See Resolution #PC4-08-09 attached).

Commissioner Haas moved the adoption of the resolution. Commissioner Tomasello seconded the motion. The Commission adopted the resolution by a vote of 10 to 0. Commissioner Lee was not present for the vote.

Commissioner Ashmun stated that it is important to note for the public that all of these ordinances were reviewed at the CMP Policy and Implementation Committee meeting.

#### Other Municipal Ordinances

Mr. Stokes presented the Resolution Issuing an Order to Certify Hamilton Township Ordinance 1606-2007, Adopting a Redevelopment Plan for the Mill Complex Redevelopment Area. (See Resolution #PC4-08-10 attached).

Ms. Grogan briefed the Commission on the major elements of the Hamilton Township Ordinance. She stated that Ordinance 1606-2007 approves a redevelopment plan for the Wheaten Mill Complex located in Hamilton Township's Regional Growth Area (currently zoned Industrial Business Park). The total size of the redevelopment area is about 5 ½ acres and there are three lots involved in this area. Under the redevelopment plan, the permitted uses will change to include fairly high density residential development-40 units per acre, and a variety of retail and commercial uses. The Township, as part of the redevelopment plan, has built in a requirement for a certain percentage of affordable housing units and also a requirement for the use of Pinelands Development Credits in association with any residential development that occurs. Approximately 200 total units will be permitted on the site, 16.7 percent of which would require the use of PDCs. This equates to a requirement of 1 right for every 6 market rate units and yields the potential for approximately 30 rights on the site. In terms of the density and the PDC use that is being permitted, the Township is providing an opportunity for significantly more residential development on the site than the Commission's regulations would require, so the Township has gone above and beyond the minimum requirements of the Commission's regulations. The historic structures on the site are on the National and State Registers and are within the Township's historic district. The site is considered to be Pinelands designated as well. This is all expressly acknowledged in the Redevelopment Plan. In the Redevelopment Plan and in staff's report, it is specifically stated that a cultural resource survey is required and, in fact, ongoing for the property and an application has been filed with the Commission. Staff's concern is that the Redevelopment Plan allows a maximum height of 95 feet. The concern is the impact of that potential height on the structures and surrounding areas given that this is a designated historic district. She said as part of the normal application process and when the application in its entirety is complete, ultimately a Certificate of Filing will be issued which will contain a description of the cultural resource survey and staff's recommendation as to what the appropriate treatment is for the structures and the resources on the site. This Certificate of Filing will

hopefully be used by the Township Planning Board or the Township Historic Preservation Commission in its review of the project. Either the Planning Board or the Historic Preservation Commission will need to issue a Certificate of Appropriateness which will come back to the Commission for review. She commented on the potential State or Federal involvement in the review of what is being proposed on the state. The Commission Staff Archaeologist does not believe that there will be any federal review involvement but does believe that there is a possibility that the State Historic Preservation Office might become involved if there are wetland permitting issues.

Ms. Grogan introduced Phil Sartorio from Hamilton Township who is present today in the event the Commission has any questions. She said that staff is recommending full certification of the ordinance.

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Galletta seconded the motion.

Commissioner Ashmun stated that she would like the record to show that, as Ms. Grogan has explained, the Commission's approval of this resolution does not in any way prejudice the ability of any of the historic people to address the height issue.

Commissioner Tomasello asked if the buildings will be taken down.

Ms. Grogan replied no and stated at least that is not what is being proposed at this time.

The Commission adopted the resolution by a vote of 11 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify Ordinance 19-2007, Amending Chapter 49 (Development Regulations) of the Code of the Township of Buena Vista. (See Resolution #PC4-08-11 attached).

Mr. Stokes explained that this matter was scheduled to be considered at the Commission's last meeting, with the recommendation being to fully certify the ordinance. Recognizing that there were some questions from several Commission members, Mayor Chiarello requested and he approved, an extension which allowed the Commission to defer action until this month's meeting. He said that he prepared an alternate resolution (#3) which was discussed at the P&I Committee meeting and the Committee agreed with the resolution. He said that he is recommending that resolution #3 be substituted for the one the Commission received in its packets. He said that Ms. Young e-mailed resolutions #3 and #4 to the Commission earlier this week. Mr. Stokes then went through the fundamental changes in resolution #3 from the earlier resolution noting that it still recommends full certification of the ordinance. He stated that he suggested an additional resolution be considered (#4) which provides Commission support for the redevelopment area and community onsite wastewater treatment system.

Mr. Tyshchenko displayed a Buena Vista Township map which depicts the Richland Village Redevelopment Area. He went through the specifics of the ordinance for the Commission. He noted that the Redevelopment Area is approximately 1/3 of the entire Richland Village-193

acres. He said that the ordinance before the Commission today would only apply in the redevelopment area and would permit the expansion of an existing non-residential use, the change of one non-residential use to another non-residential use or the establishment of a new non-residential use within an existing structure which would otherwise be precluded by a lack of contiguous land sufficient to meet the 2 ppm nitrogen standard. The ordinance would also require that any non-contiguous lands reserved for the purposes of meeting the 2 ppm standard be located within the redevelopment area, be within the same subwatershed, be dedicated as open space until such time as the rezoned area is served by a community onsite wastewater treatment system and be owned by the township and remain in the ownership thereof until such time as the lots in question are served by a community onsite wastewater treatment system. He noted some of the lots that might be able to take advantage of the ordinance.

Mr. Stokes concluded that he understands the general concern regarding nitrogen loading and that is why this ordinance is structured so narrowly. He said that this is an opportunity for very modest additions to existing businesses. He said that the actual nitrogen loading would be less than it otherwise would be under a strict application of the CMP and will result in less development in the redevelopment area than could otherwise be the case.

In response to a question from Chairperson Wilson, Mr. Horner replied that the existing and the replacement septic system serve three of the buildings on a Township-owned lot.

Commissioner Tomasello moved the adoption of resolution #3. Commissioner Brown seconded the motion.

Commissioner Lloyd stated that resolution #3 is a great improvement over resolution #1 and recited a number of reasons why this ordinance is narrowly drawn. He stated that he is concerned with the property used for dilution and would like to encourage the Township, if this ordinance is certified, to use the Township property closest to the property to be developed because that comes closest to the CMP's contiguous land standard. He said that there are 16 properties that may be eligible under the ordinance, each are within 700 feet of one of the Township's properties.

Mr. Stokes stated that he spoke with the Mayor about this and he indicated that it is the Township's intention to restrict properties that are closest to the development sites insofar as is practical. He said that this can be communicated in a cover letter when the resolution is transmitted to the Township.

Commissioner Haas stated that he was in the area the other day and had the opportunity to visit Richland Village. He continues to support the resolution that is before the Commission.

Chairperson Wilson said that a number of Commission members went to the site to get a better understanding of the area.

Commissioner Lloyd stated that, although the resolution has been improved greatly, it has not been improved to the point that he is prepared to support certification. He stated that his concern is that the CMP requires each of the properties that want to expand development to meet the 2

ppm standard at its lot line and this ordinance authorizes that standard to be increased to 2 to 10 ppm. The other concern is that there are a lot of properties in the village that are not meeting the standards now. The ordinance allows concentration of pollution and increases pollution in the center. He said that he will not support resolution #3 but will support resolution #4.

Commissioner Lee stated that while he intends to support resolution #3, he agrees with Commissioner Lloyd that resolution #4 is the best approach. The Commission must really focus on community treatment systems so there can be better and safer drinking water and better sewerage treatment.

Chairperson Wilson asked Mr. Stokes to call the roll on Resolution #3.

Ashmun	yes	Galletta	yes	Lloyd	no
Brown	yes	Haas	yes	Tomasello	yes
Campbell	yes	Kennedy	yes	Wilson	yes
Ficcaglia	yes	Lee	yes		

Resolution #3 Issuing an Order to Certify Ordinance 19-2007, Amending Chapter 49 (Development Regulations) of the Code of the Township of Buena Vista, was adopted with 10 Commission members voting in the affirmative and one Commission member voting in the negative.

Mr. Stokes presented the Resolution Authorizing the Executive Director to Assist in the Implementation of the Richland Village Redevelopment Plan, Buena Vista Township. (See Resolution #PC4-08-11 attached).

Mr. Stokes stated that this was not originally listed on the Commission's agenda. He said that in discussing the previous resolution with DAG Haynes, she suggested that two matters in the resolution be separated. He said that when he prepared resolution #3, he separated the community wastewater treatment system discussion and created a new resolution #4 to more specifically deal with that matter. He said that resolution #4 expresses the Commission's interest in ensuring that an onsite community wastewater treatment system be designed and constructed and that the Richland Village Redevelopment Plan be monitored.

Commissioner Lloyd moved the adoption of the resolution. Commissioner Lee seconded the motion.

Commissioner Ashmun stated that she has some concerns about the community wastewater treatment plant which will be a growth generator. When the financial analysis is done for this plant, everyone is going to be surprised as to how much it is going to cost and how difficult it is to get a permit and manage. She said that it needs to be made very clear and on the record that the reason the Commission is asking for this community wastewater treatment plant is for the success of this redevelopment area.

Mr. Stokes stated that the planning and design for this community wastewater system will be done to reflect the approved development plans for not only the redevelopment area but also the

balance of the village. He said that this is not intended in any way to increase the development potential outside the redevelopment area. He said that whatever the community wastewater treatment system is will require Commission approval and any changes that might be proposed in the village will also require Commission approval.

Commissioner Lloyd asked if the community system will serve just the redevelopment area or the entire village.

Mr. Stokes replied that he doesn't believe anyone can answer that question today. He said that the principle interest is to focus on the redevelopment area and perhaps some other uses outside the redevelopment area that would benefit from this opportunity.

Chairperson Wilson asked Mr. Stokes to call the roll.

Ashmun	yes	Galletta	yes	Lloyd	yes
Brown	yes	Haas	yes	Tomasello	yes
Campbell	yes	Kennedy	yes	Wilson	yes
Ficcaglia	yes	Lee	yes		

The Commission approved the resolution with all 11 Commission members voting in the affirmative.

Commissioner Tomasello stated that he is happy that the matter has come to a conclusion noting that he believes the discussion of off-site dilution began when Terrence Moore was Executive Director.

#### Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Barnegat Township Ordinance 2007-21 is an ordinance amendment that does not raise a substantial issue with regard to the provisions of the Comprehensive Management Plan. The Commission took no action on the ordinance amendment allowing it to take effect.

#### Public Comment on any Matter Relevant to the Commission's Statutory Responsibilities

Mr. Fred Akers, Administrator for the Great Egg Harbor National and Scenic and Recreational River, submitted a book for the Commission's library on intensive motorized recreation in the Pinelands. He said that he has worked on this issue on a state and national level and he was asked to distribute information about this book.

Chairperson Wilson asked if the book offers recommendations to the issue.

Mr. Akers replied said that it is kind of a philosophical discussion by some think-tank folks in the West. He said that New Jersey is fairly fortunate in the control of thrillcraft because New Jersey doesn't have a big abundance of federal land unlike that of the west.

Mr. Akers stated that he is searching for a used metal foot bridge for a foot path crossing in Winslow Wildlife Management Area. He asked if anyone knows about a foot bridge to let him know.

Mr. Carleton Montgomery, Pinelands Preservation Alliance, asked about cultural resource reviews once Ms. Gonick leaves. He said that he hopes this position can be filled again.

Chairperson Wilson stated that the Commission is not prepared to discuss this matter right now.

Mr. Montgomery said that he hopes that there is good expertise to conduct the reviews.

Mr. Montgomery said that the Buena Vista Township Ordinance raises fundamental issues of water quality. He said that it is PPA's view that the water quality protections of the Pinelands CMP and the other policies that relate to water quality are not working in the Pinelands. He said that the message that PPA wants to reiterate is they would rather see the Commission and its staff spending its time trying to figure out how to address this fundamental challenge to the Pinelands than spending time on an ordinance like the Buena Vista Township ordinance which will only bring minimal benefits. He said that another fundamental issue is climate change. He stated that he attended a presentation to discuss the Northeast Climate Impact Assessment that was released last summer, which is a detailed study of what the climate change impacts are likely to be in the northeast. He said that the article talks about impacts on agriculture and specifically on cranberry and blueberry agriculture.

Chairperson Wilson asked if the Commission was invited to this.

Mr. Stokes replied that he was not aware of any invitation.

Ms. Lorraine Sansone, Lacey Township, referred to a piece of property across Lacey Road (Northwest corner of Lacey Township) Block 2500, Lot 1, acquired by Toll Brothers as a land swap as part of their CAFRA approvals for development east of the Parkway. She said that last summer they approached Lacey Township to subdivide 18 acres in the Preservation Area for the Township. She said that there were monitoring wells on that 18 acre parcel that came from the Parker Gravel and Stump Dump immediately adjacent to the west. She said that it looks like that Parker Gravel and Stump Dump contamination has encroached upon that 18 acres. Toll Brothers has had to hire consultants to trench into that 18 acres to see if there was indeed encroachment. They trenched down 20 feet and did indeed find what looks like encroachment. She said what troubles her is that the Pinelands Commission was not in the loop. The only thing she found in the file review is a Certificate of Filing dated July 9, 2007 which had to do with the subdivision. She said that they found solid waste on the site and the Pinelands Commission wasn't even told about this as far as she knows. She said that if the Commission has jurisdiction some questions have to be raised and answered.

Mr. Horner stated that the Commission is aware of the subdivision that occurred and the Commission does have regulatory jurisdiction on the site. He said that there is a MOA with DEP that lays out the process for coordinating DEP and the Commission's review of contaminated site clean-ups. He said that he will look into this matter and report back to the Commission.

Ms. Sansone stated that time is of the essence.

Mr. Jeff Tittel, Sierra Club, said that he was also at the meeting on Climate Control and questioned how the Pinelands Commission will look at this whole issue of climate change.

Chairperson Wilson stated that the Commission has been involved in requiring the “LEED” standards to be met at the Stafford Business Park which was the first time the Commission has ever done that.

Mr. Stokes stated that there are a couple of things that the Commission is pursuing -- Stafford Township and the Atlantic County Utilities Authority regarding wind power; smart growth transit villages- Egg Harbor City; and a possible presentation to the Commission on policies the Commission may be able to employ on a region-wide basis to encourage green building.

Mr. Tittel said that New Jersey recently passed a regional greenhouse gas initiative implementation bill, there is money available for forest stewardship and the only place in New Jersey that has the potential to be a carbon sink is in the Pinelands. The Commission needs to try and work on this. He referred to Atlantic City and said that it becomes more and more important for the Pinelands Commission to look outside its borders because what is happening there will have a big impact on the Pinelands and in the growth areas. He said that he hopes that the Commission will get more involved with this and make sure that the State moves in the right direction.

#### Other Agenda Items

##### Presentation on Long-Term Economic Monitoring Annual Report

Mr. Stokes stated that every year the Commission takes the “temperature” of the Pinelands economy and does so with the financial support of the National Park Service through the Pinelands Monitoring program. Staff has just released the latest report which was distributed to the Commission. He said that he felt that it would be helpful for Mr. Tony O’Donnell, who manages the Commission’s economic programs, to spend a few minutes highlighting some of the findings in this year’s report.

Mr. Tony O’Donnell briefed the Commission on the findings of the 2007 annual report, concluding that the Pinelands continues to compare favorably to the non Pinelands across a wide range of economic variables. (See attached power point).

Mr. Stokes stated that this report will be posted on the Commission’s web site and is also distributed to all Pinelands municipalities. He said that Mr. O’Donnell is usually invited to make a presentation to the Pinelands Municipal Council as well.

Chairperson Wilson thanked Mr. O’Donnell and stated that it was an excellent report.

Mr. O'Donnell stated that he does a 12 page executive summary that outlines the major points. That is mailed out and is what most people read.

DAG Haynes presented a resolution to retire into closed session to discuss personnel issues and CWA contract negotiations. Commissioner Galletta moved and Commissioner Lloyd seconded the motion. The Commission agreed to adjourn into closed session by a vote of 11 to 0.

Chairperson Wilson reopened the public portion of the meeting.

DAG Haynes stated that in closed session the Commission was briefed on CWA matters.

Mr. Stokes reported that the Commission is being sued by Phoenix Sand and Gravel for issuing a Certificate of Filing for a mining operation.

Commissioner Galletta asked the status of the ethics questions and whether this issue will be an upcoming agenda item for discussion.

Mr. Stokes stated that Ms. Roth has been in touch with the Ethics Commission as recently as a week ago pleading with them to get this matter done.

#### Adjournment

Commissioner Campbell moved to adjourn the meeting. Commissioner Brown seconded the motion. The Commission agreed to adjourn the meeting at 12:25 p.m.

Certified as true and correct:

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Nadine B. Young,  
Executive Assistant to the Commission

Date: \_\_\_\_\_